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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/652,791	08/29/2003	James McSwiggen	03-332-B (400.126)	3409	
20306	7590 10/23/2006		EXAM	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			CHONG, K	CHONG, KIMBERLY	
300 S. WAC	KER DRIVE				
32ND FLOOR		ART UNIT	PAPER NUMBER		
CHICAGO, IL 60606			1635		
			DATE MAILED: 10/23/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 10/652,791

Art Unit: 1635

### **Notice to Comply**

### CRF Sequence Listing

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

In the instant case, Applicants have submitted a substitute CRF copy of the sequence listing in the reply filed on 09/29/2006; however, the Office's STIC Biotechnology Systems Branch is unable to process the substitute CRF for the reasons given on the attached Raw Sequence Listing Error Report. Further, the Examiner is unable to search and examine the claims of the instant application, specifically with regard to SEQ ID NO. 225, because SEQ ID NO. 225 has not been submitted.

Applicants are requested to resubmit the sequence listing in corrected form along with the necessary papers and statements.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory

Art Unit: 1635

period. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Chong whose telephone number is 571-272-3111. The examiner can normally be reached Monday thru Friday between 7-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached at 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For more information about the PAIR system, see http://pair-direct.uspto.gov.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Kimberly Chong Examiner Art Unit 1635

> SEAN MCGARRY PRIMARY EXAMINER

## Application No. Applicant(s) 10/652,791 McSwiggen et al. **Notice to Comply** Examiner Art Unit Chong 1635 NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)). The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s): 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c). 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). 🖂 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e). **Applicant Must Provide:** An initial or substitute computer readable form (CRF) copy of the "Sequence Listing". An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the specification. A statement that the content of the paper and computer readable copies are the same and, where

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

Patentin Software Program Support

Technical Assistance......703-287-0200

To Purchase Patentin Software......703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

## STIC Biotechnology Systems Branch

## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

Source:

Date Processed by STIC:

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

 INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,

2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a>, EFS Submission User Manual ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
  U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
  Alexandria, VA 22314

Revised 01/10/06

## Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION SERIAL NUMBER: 10652,791 B				
ATTN: NEW RULES CASES:	PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE				
Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."				
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.				
3Misaligned Amino Numbering	The numbering under each 5 <sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.				
4Non-ASCÍI	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.				
5Variable Length	Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.				
6PaientIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.				
7Skipped Sequences (OLD RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  This sequence is intentionally skipped				
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.				
8Skipped Sequences (NEW RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000				
Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing.  Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.				
0Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence				
1Use of <220>	Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses.  Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)				
2Patentin 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.				
3Nisuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid				
AMC - Biotechnology Systems Branch - 09/09/2003					



IFW16

Input Set: E:\03-333-9\_Sep 2006.txt
Output Set: N:\CRF4\10032006\\00000662791B.raw

```
3 <110> APPLICANT: Sirna Therapeutics, Inc.
             McSwiggen, James
             Chowrira, Bharat
     7 <120> TITLE OF INVENTION: RNA Interference Mediated Inhibition of Platelet-Derived
     8
             Endothelial Cell Growth Factor (ECGF1) Gene Expression Using
             Short Interfering Nucleic Acid (siNA)
     9
    11 <130> FILE REFERENCE: 400/126 (MBHB 03-332-B)
    13 <140> CURRENT APPLICATION NUMBER: US 10/652,791B
    14 <141> CURRENT FILING DATE: 2003-08-29
    16 <150> PRIOR APPLICATION NUMBER: US 10/422,704
                                                               Does Not Comply
    17 <151> PRIOR FILING DATE: 2003-04-24
                                                               Corrected Diskette Needed
    19 <150> PRIOR APPLICATION NUMBER: US 10/417,012
    20 <151> PRIOR FILING DATE: 2003-04-16
    22 <150> PRIOR APPLICATION NUMBER: PCT/US 03/05346
    23 <151> PRIOR FILING DATE: 2003-02-20
    25 <150> PRIOR APPLICATION NUMBER: PCT/US 03/05028
    26 <151> PRIOR FILING DATE: 2003-02-20
    28 <150> PRIOR APPLICATION NUMBER: US 60/358,580
    29 <151> PRIOR FILING DATE: 2002-02-20
    31 <150> PRIOR APPLICATION NUMBER: US 60/363,124
    32 <151> PRIOR FILING DATE: 2002-03-11
    34 <150> PRIOR APPLICATION NUMBER: US 60/386,782
    35 <151> PRIOR FILING DATE: 2002-06-06
    37 <150> PRIOR APPLICATION NUMBER: US 60/406,784
    38 <151> PRIOR FILING DATE: 2002-08-29
    40 <150> PRIOR APPLICATION NUMBER: US 60/408,378
    41 <151> PRIOR FILING DATE: 2002-09-05
    43 <150> PRIOR APPLICATION NUMBER: US 60/409,293
    44 <151> PRIOR FILING DATE: 2002-09-09
    46 <150> PRIOR APPLICATION NUMBER: US 60/440,129
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The second of the

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/652,791B

DATE: 10/03/2006
TIME: 10:37:42

Input Set : E:\03-332-B\_Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

- 67 <212> TYPE: RNA
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  - 80 <213> ORGANISM: Artificial Sequence
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Input Set : B:\03-332-B\_Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

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Input Set : E:\03-332-B\_Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

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sense re		. rurget	ocquence, ozna-				
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	sense region						
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Input Set: E:\03-332-B Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

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🚃 🧓 311 <223> OTHER INFORMATION: Description of Artificial Sequence: Target Segmence/sinA 😁 🕆
 sense region
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                                                                                  19
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      317 <210> SEQ ID NO: 23
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       356 <213> ORGANISM: Artificial Sequence
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358 <220> FEATURE:

359 <223> OTHER INFORMATION: Description of Artificial Sequence: Target Sequence/sinA sense region

# 10/652,791B

Page 10

<210> 207 <211> 21 <212> DNA <213> Artificial Sequence <220> <223> Description of Artificial Sequence: siNA sense region <220> misc\_feature <221> <222> '(1)..(1) <223> 5'-3 attached terminal deoxyabasic moeity <220> <221> misc\_feature <222> (21)..(21) <223> 3'-3 attached terminal deoxyabasic moeity Invali'd Spespense <220> <221> misc feature <222> (11) ...(19) <223> ( n stands for any ribonucleotide <400> 207 nnnnnnnnn nnnnnnnnt t See item #13 On error summery Sheet.

the Sequences for similar errors.

Input Set : B:\03-332-B\_Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

#### Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

```
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Seq#:209; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:210; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:211; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:212; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:213; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:214; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
Seq#:215; N Pos. 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19
```

#### Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

```
Seq#:209; Line(s) 3349
Seq#:210; Line(s) 3371
Seq#:211; Line(s) 3398
Seq#:212; Line(s) 3425
Seq#:213; Line(s) 3452
Seq#:214; Line(s) 3480
Seq#:215; Line(s) 3507
```

# VERIFICATION SUMMARY DATE: 10/03/2006 PATENT APPLICATION: US/10/652,791B TIME: 10:37:43

Input Set : E:\03-332-B\_Sep 2006.txt
Output Set: N:\CRF4\10032006\J652791B.raw

```
L:3308 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:207 after pos.:0
L:3335 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:208 after pos.:0
L:3357 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:209 after pos.:0
L:3384 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:210 after pos.:0
L:3411 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:211 after pos.:0
L:3438 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:212 after pos.:0
L:3466 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:213 after pos.:0
L:3493 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:214 after pos.:0
L:3521 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:215 after pos.:0
```